

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE SANJAY DWIVEDI**

**ON THE 7<sup>th</sup> OF NOVEMBER, 2023**

**WRIT PETITION No. 25028 of 2023**

**BETWEEN:-**

**NILU YADAV W/O LATE SHRI MUNNA YADAV, AGED  
ABOUT 27 YEARS, OCCUPATION: PRIVATE JOB R/O  
BEHIND HOTEL PATEL NAGAR SUHAGI, PS ADHARTAL  
JABALPUR (MADHYA PRADESH)**

**.....PETITIONER**

***(BY SHRI OMSHANKER PANDEY - ADVOCATE)***

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH  
SECRETARY HOME DEPARTMENT VALLABH  
BHAWAN, BHOPAL (MADHYA PRADESH)**
- 2. THE SUPERINTENDENT OF POLICE JABALPUR  
DISTRICT JABALPUR (MADHYA PRADESH)**
- 3. THE S.D.M. JABALPUR ADHARTAL JABALPUR  
(MADHYA PRADESH)**
- 4. THE CITY SUPERINTENDENT OF POLICE  
JABALPUR ADHARTAL JABALPUR (MADHYA  
PRADESH)**
- 5. THE TOWN INSPECTOR JABALPUR PS ADHARTAL  
JABALPUR (MADHYA PRADESH)**
- 6. THE TOWN INSPECTOR JABALPUR PS PANAGER  
JABALPUR (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI A.P. SINGH - GOVERNMENT ADVOCATE)***

.....  
*This petition coming on for admission this day, the court passed the  
following:*

**ORDER**

By the instant petition filed under Article 226 of the Constitution of India, the petitioner is seeking following relief:-

"7.1 The Hon'ble Court may be pleased to allow the petition and direct the police authority to investigate the matter properly, but please not to give the further investigation to the same police station or may please transfer the entire case to authority like CID or any IPS officer not from Adhartal Range.

7.2 That the Hon'ble Court may be pleased to direct the respondent No. 2 to take action against the policeman who has not conducted the investigation properly.

7.3 That the Hon'ble Court may be pleased to pass any other order in favour of the petitioner."

2. As per the relief claimed and the averments made in the petition, it reflects that the petitioner is mainly asking for further investigation by any special agency because according to her investigation done by the police showing that the deceased Munna Yadav has not committed suicide but he has been murdered.

3. From perusal of the record it appears that a missing report was made by the petitioner (wife of the deceased) to the police of Police Station Adhartal, District Jabalpur on 25.08.2023 and after two days thereafter, the dead body of the husband of the petitioner was found in a canal, which was at a distance of 05 Kms. from the house of the petitioner. A Murg intimation was recorded by

the police and the body of the deceased was buried, but after coming to know about the fact that the body of some unknown person was found by the police, the family members approached the police and after taking out the dead body from the grave, it was found that the said body was of the husband of the petitioner.

4. Learned counsel for the petitioner submits that there was no reason for the husband of the petitioner to commit suicide. He submits that the family members of the deceased suspected that somebody might have murdered the deceased because in the work place of the petitioner some maar-peet took place between the deceased and Vikky Patel, Kamlesh Patel and Pappu Thakur. He submits that the police deliberately buried the body of the deceased showing it to be unclaimed body whereas a missing report was already lodged by the wife of the deceased. He submits that the police even after knowing about the said fact not recorded the statements of family members of the deceased and therefore, according to him, the enquiry may be handed over to some special agency to ascertain whether it was a case of suicide or murder.

5. Learned counsel for the State opposes the submission made by the learned counsel for the petitioner and submits that as per the case diary, the police has done proper enquiry in the matter, recorded statements of the family members of the petitioner and on the basis of their suspicion, the statements of Vikky Patel, Kamlesh Patel and Pappu Thakur have also been recorded but nothing suspicious is found so as to arrive at a conclusion that it was not a case of suicide but it was a case of murder. He submits that as such the police has not initiated any further enquiry and closed the case.

6. Heard the rival submission made by the learned counsel for the parties and perused the case diary.

7. As per the Murg diary, the body of the deceased was found in a canal in decomposed condition as it was lying in the water for more than two days. As per the postmortem report, no injury was found over the body of the deceased. As per the report of the police, there was no indication that the cause of death was not due to drowning but it was for some other reason. The statements of suspects have also been recorded but nothing incriminating was found to implicate them in a case of murder. In absence of any material indicating that the case registered by the police treating the same to be a suicide case is not actually a case of suicide but it was a homicidal murder and also in absence of any incriminating material produced by the petitioner, direction for making further investigation by a special agency cannot be issued. Merely on the basis of suspicion that too without supporting by any incriminating material, direction cannot be issued and enquiry already done by the police cannot be doubted. Thus, I am not inclined to interfere in the petition.

8. The **petition is dismissed** being without any substance.

RAGHVENDRA

(SANJAY DWIVEDI)  
JUDGE